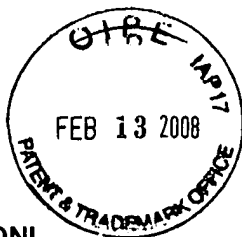


FORM PTO-1083
Mail Stop APPEAL BRIEF - PATENTS
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450



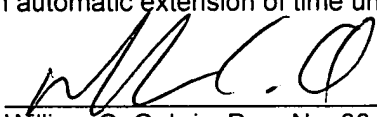
1/11 *AF-*
Docket No.: 527.1003DIV
Date: February 11, 2008

In re application of: **Robert P. CASSONI**
Serial No.: 10/799,799
Filed: March 12, 2004
For: **MOTORIZED GOLF CART WITH AUTOMATED LIFTING OF DETACHABLE DEVICES**

Sir:

Transmitted herewith is an **Appellant's Reply Brief Under 37 C.F.R. 41.41 (7 pgs)** in the above-identified application.

- ☒ Also transmitted herewith are:
☐ Petition for extension under 37 C.F.R. 1.136
☒ Other: **Return Receipt Postcard**
- ☐ Check(s) in the amount of **\$0.00** is/are attached to cover:
☐ Filing fee for additional claims under 37 C.F.R. 1.16
☐ Petition fee for extension under 37 C.F.R. 1.136
☐ Other:
☐ Other:
- ☒ The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- ☒ Any patent application processing fees under 37 C.F.R. 1.17.
- ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


William C. Gehris, Reg. No. 38,156

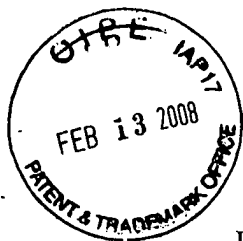
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or fee are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on February 11, 2008.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 

Jennifer L. O'Connell



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Re: Application of: Robert P. CASSONI
Application No.: 10/799,799
Filed: March 12, 2004
Art Unit: 3611
Examiner: Daniel S. Yeagley
Attorney Docket No.: 527.1003DIV
Title: **MOTORIZED GOLF CART WITH AUTOMATED
LIFTING OF DETACHABLE DEVICES**

Mail Stop: APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 11, 2007

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. §41.41

Sir:

Appellant submits this Reply Brief for consideration of the Board of Patent Appeals and Interferences (the "Board") in response to the Examiner's Answer dated December 12, 2007 and in support of his appeal of the Final Rejection dated December 13, 2006. Appellant respectfully reasserts each of the arguments asserted in Appellant's Brief dated September 17, 2007, and provides herein only a rebuttal of several of the arguments raised in the Examiner's Answer.

No fee is believed required. If any fee is required at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

ARGUMENTS

The following additional remarks are submitted for consideration by the Board under 37 CFR §41.41.

Rejections under 35 U.S.C. §102(a)

Claims 14, 15 and 17 to 33

Claims 14, 15 and 17 to 33 were rejected under 35 U.S.C. §102(a) as being anticipated by St. Clair '257.

St. Clair shows a golf bag and golf cart carrier attached to the rear of an automobile¹⁰ having a rear deck or trunk lid 12. (See col. 3, lines 40 to 43).

In addition to the previous arguments, St. Clair clearly does not show a golf car bag bay. The Examiner's Answer asserts that any bottom surface is a "bag bay" see Page 7, second line from bottom and asserts: "there is no clear distinction of what constitutes a bag bay." This assertion simply is wrong to one skilled in the art of golf cars: bag bays are the rear portion of the golf car where the golf bags traditionally sit. This is clear for example from the specification. See bag bay 301. Words in claims must have meaning, and an inventor must be able to define the invention using words: a bag bay is a known structure in a golf car, as shown for example by bag well or bay 17 in Casady '746 cited by the Examiner, and the device in St. Clair clearly does not contact a golf car bag bay, but the hood of a car trunk.

Withdrawal of the rejection to claim 14 and its dependent claims is respectfully requested.

Claim 16: Argued Separately

Applicant thanks the Examiner for removal of this rejection.

Claim 18: Argued Separately

Claim 18 recites the mountable device as recited in claim 17 wherein first hitch includes the mount bracket, the mount bracket including a claw. No claw is shown in St. Clair – a 90 degree curved section is a platform for the bottom of the golf bags, not a claw.

Claim 23: Argued Separately

Claim 23 recites the mountable device as recited in claim 14 wherein the first and second hitches at least partially extend downwardly over a bumper of the golf car.

The asserted tubes 41, 42 never extend downwardly of any bumper and certainly not a bumper of a golf car. The Examiner's Answer assertion on Fig. 1 and the bumper is just not seen.

Claim 25: Argued Separately

With further respect to claim 25, claim 25 recites the mountable device as recited in claim 14 wherein the attachment device contacts a bag holder frame of the bag bay.

A bag holder frame in a bag bay of a golf car is the standard way to connect golf bags. Automobiles simply do not have a bag holder frame, as one of skill in the art of golf cars would recognize. This limitation is not met by St. Clair.

Claim 26: Argued Separately

With respect to independent claim 26, St. Clair device is not for a golf car and does not have "a frame section contacting a bottom of the bag bay" as claimed. A bag bay of a golf car is a well known area of a golf car, and St. Clair actually teaches away from a device that would contact a bag bay, as it attaches to a bumper of an automobile. There are also not two hitches as claimed, but a single device for attaching two golf bags.

Claim 27: Argued Separately

With respect to independent claim 27, the St. Clair device is not for a golf car and does not have a frame for placement in a bag bay. St. Clair also does not have two hitches as claimed: the golf club bags in St. Clair are not connected to "hitches" as claimed. The Examiner's Answer does not address the connections to the hitches as claimed, and the golf bags in St. Clair just sit on a platform.

Withdrawal of the 35 U.S.C. 102 rejections is thus respectfully requested.

Rejections under 35 U.S.C. §103(a)

Claims 14 to 33 were rejected under 35 U.S.C. §103(a) as unpatentable over Hokaku in view of Casady '746.

Contrary to the Examiner's Answer assertion at page 8, no frame section "contacts a bottom of a bag bay" in Hokaku, and the Examiner's Answer refuses to identify such a bottom with any specificity. Hokaku specifically does away with a bag bay in favor of a separate device.

Moreover, the Examiner's Answer does not address the fact that Hokaku teaches away from two hitches, as the single carrier 2 desires to carry a plurality of bags. See [0011].

Furthermore, the Examiner's Answer at page 6 seems to suggest combining different embodiments of Hokaku into one device without any reason or motivation: "it would have been obvious ... to actuate and drive the other two hitch devices of embodiments 1 and 2 to mechanically actuate and drive the rotatable crank of embodiment 1 or the pivot arms 11 and 12 of embodiment 2." This still leaves a single actuator and does not address having two separate hitches. Each embodiment of Hokaku is a single embodiment. Casady is also a completely different kind of device for hanging golf bags.

Withdrawal of the rejection under 35 U.S.C. §103(a) to claims 14 and 27 and their dependent claims is respectfully requested.

Claim 15: Argued Separately

Claim 15 recites the mountable device as recited in claim 14 wherein the first and second hitches are movable with respect to the frame.

Providing a second hitch from Casady movable with respect to *the frame* would not have been obvious and the Examiner's Answer still does not appear to address this limitation with respect to Hokaku in view of Casady.

Claim 16: Argued Separately

Claim 16 recites the mountable device as recited in claim 15 further comprising a first driven actuator to move the first hitch and a second driven actuator to move the second hitch.

Neither Casady nor Hokaku show a second driven actuator, and the Examiner's Answer again does not appear to address this limitation or give any reason for two actuators.

Claim 18: Argued Separately

Claim 18 recites the mountable device as recited in claim 17 wherein first hitch includes the mount bracket, the mount bracket including a claw.

Element 7 in Hokaku is simply not a claw.

Claim 21: Argued Separately

Claim 21 recites the mountable device as recited in claim 19 wherein the detachable golf club carrier is rotatable with respect to the frame when in contact with the first hitch so as to lift the at least one wheel with respect to the ground.

Casady actually seeks to avoid such structure and it is respectfully submitted that one of skill in the art would not have modified Hokaku with Casady to meet this limitation.

Claim 25: Argued Separately

Claim 25 recites the mountable device as recited in claim 14 wherein the attachment device contacts a bag holder frame of the bag bay.

Hokaku does not teach this limitation, nor does Casady. **The Examiner's Answer asserts cross bar 3 is the attachment device, but this is not an attachment device and does not contact a bag holder frame in any bag bay.**

Claim 26: Argued Separately

Hokaku seeks a completely new type of golf car, and it actually teaches away from "a frame for placement in a bag bay of a golf car, a frame section contacting a bottom of the bag bay" as claimed. It is respectfully submitted it would not have been obvious to provide the car of Hokaku with such a frame. **Asserted frame 3 is not for placement in a bag bay.**

Claim 27: Argued Separately

Asserted frame 3 is not for placement in a bag bay.

Claims 27 to 33 over Casady in view of Tang: Argued Separately

Claims 27 to 33 were rejected under 35 U.S.C. 103 as unpatentable over Casady '746 in view of Tang '031.

The Examiner's Answer Assertion that "when a detachable device is lifted off the ground, the entire weight of the detachable device would be supported by the hitching device at that moment" is clearly incorrect and shows a misunderstanding of how Casady operates. A golfer lifts the bag in Casady and rests it in the bag bay with hook 28a so that the bag rests on the floor of the bay or well 17. This assertion in the Examiner's Answer is unfounded, and incorrect.


Withdrawal of the rejections is respectfully requested.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this Reply Brief is respectfully requested.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris
(Reg. No. 38,156)

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940
Fax: (212) 736-2427